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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ANTHONY K. ANDERSON, an individual,
Plaintiff,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS; HENRY LANDSMAN,
M.D., an individual; ROMEO ARANSAS,
M.D., an individual; REBECCA KOZLOFF,
an individual; SONYA CARRILO R.N., an
individual; GEORGE TIMOTHY KELLY,
M.D., an individual;

Defendants.

Case No. 2:21-cv-00514-CDS-EJY

**STIPULATION AND ORDER FOR
EXTENSION OF DISCOVERY DEADLINES
(FIRST REQUEST)**

Plaintiff Anthony K. Anderson (“Plaintiff”) and Defendants Nevada Department of Corrections; Henry Landsman, M.D.; Romeo Aransas, M.D.; Rebecca Kozloff; Sonya Carrilo R.N.; (collectively “NDOC Defendants”); and Defendant George Timothy Kelly, M.D. (“Defendant Dr. Kelly”), (collectively referred to as “Parties”), by and through their respective counsel, hereby submit the following Stipulation and Order for Extension of Discovery Deadlines (First Request), pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 6-1, 7-1 and 26-1(e).

As detailed further herein, the additional time is necessary to allow for the completion of written discovery, depositions, and locating an expert(s). The Parties believe an extension of the

discovery period by thirty (30) days to **Wednesday, November 15, 2023**, will provide adequate time to complete the remaining discovery.

This is the first request for an extension of these deadlines. This request is made in good faith and is not for the purpose of delay. Further, while the Parties are certainly mindful of the Court's interest in the expeditious completion of discovery, the Parties have been conducting discovery and there is good cause for the extension sought herein. Pursuant to LR 26-4, the Parties provide the following information to the court in connection with their request for an extension of the discovery deadlines:

I. Procedural History

Plaintiff, pro se, filed his original Complaint on March 29, 2021 against Defendants. (ECF No. 1.) Plaintiff, pro se, filed his First Amended Complaint on May 7, 2021. (ECF No. 8.) On June 7, 2021, a Report and Recommendation was filed dismissing Plaintiff's First Amended Complaint and ordering a Second Amended Complaint to be filed by July 2, 2021. (ECF No. 13.) On August 4, 2021, the Court accepted the June 7, 2021 Report and Recommendation and referred the case to the Pro Bono Program adopted in General Order 2017-07. (ECF No. 19.) Plaintiff, pro se, filed an amended complaint on July 30, 2021, and added Defendant Kelly as a Defendant. (ECF No. 18-1.) Plaintiff, pro se, filed another amended complaint on October 12, 2021 (ECF No. 25), which the Court determined was considered his Second Amended Complaint (ECF Nos. 28-29).

On January 4, 2022, the Court filed an Order and Report and Recommendation adding the Attorney General to the case and serving the Second Amended Complaint. (ECF No. 28.) The Court recommended and ordered that Plaintiff's Eighth Amendment claim against Dr. Romeo Aranas, Dr. Landsman, Dr. Kelly, and Rebeca Kozloff in their individual capacities for money damages shall proceed. (*Id.*, at 7:14-17; 8:22-24.) The Court further recommended and ordered Plaintiff's American's with Disabilities Act claim will proceed against the State and NDOC. (*Id.*, at 3:25-26.) The Order further recommended that Plaintiff be allowed to file a Third Amended Complaint but that he is not permitted to do so until pro bono counsel is identified and makes an appearance on his behalf. (*Id.*, at 9:1-3.) On January 31, 2022, the Court issued an Order adopting the January 4, 2022 Order/Report and Recommendation. (ECF No. 29.)

On October 19, 2022, pro bono counsel for Plaintiff made an appearance (ECF NO. 46), and on February 17, 2023, filed a Third Amended Complaint on Plaintiff's behalf (ECF NO. 48). On March 7, 2023, the NDOC Defendants filed a Motion for Screening of Plaintiff's Third Amended Complaint. (ECF No. 51.) The Court denied this Motion on March 8, 2023. (ECF No. 54.) On April 18, 2023, the NDOC Defendants filed their Answer to Plaintiff's Third Amended Complaint. (ECF No. 70.) On April 11, 2023, Defendant Dr. Kelly filed a Motion to Dismiss the Third Amended Complaint (ECF No. 66.) On April 18, 2023, Defendants filed an Answer to the Third Amended Complaint. (ECF NO. 70.) On April 24, 2023, Plaintiff filed a Response to Defendant Dr. Kelly's Motion to Dismiss. (ECF No. 71.) Defendant Kelly filed his Reply in support of his Motion to Dismiss on May 30, 2023. (ECF No 30.)

II. Discovery Completed To Date

Plaintiff and the NDOC Defendants served their respective initial disclosures on May 19, 2023. Defendant Dr. Kelly served his initial disclosures on June 6, 2023. Plaintiff served his first set of requests for production and interrogatories on Dr. Kelly on July 25, 2023.

III. Remaining Discovery To Be Completed

Plaintiff intends to serve written discovery on the NDOC Defendants. The NDOC Defendants and Defendant Dr. Kelly also intend to serve written discovery on Plaintiff. In addition, Plaintiff is in the process of locating an expert for purposes of calculating his damages. The depositions of Plaintiff, the NDOC Defendants, and Defendant Dr. Kelly remain to be conducted.

IV. Reason Discovery Cannot Be Completed Within The Original Deadline

Plaintiff's lawsuit requires an expert so that damages can be calculated; however, his counsel requires additional time to locate experts that are qualified to address the issues identified in his operative complaint. Further, even though the Parties have yet to serve and respond to written discovery, the volume of produced documents involved in this case has been substantial, and the process of reviewing and organizing these documents has been more time-consuming than anticipated.

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V. **Proposed New Schedule for Completing all Remaining Discovery**

All discovery in this case has and will continue to be conducted in accordance with the Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The Parties propose to the Court the following deadlines:

a. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **Wednesday, November 15, 2023.**

b. **Expert Disclosures:** Expert Witness Disclosure deadline shall be **Monday, September 18, 2023**, as September 16, 2023 is a Saturday. Rebuttal expert disclosures shall be made by **Wednesday, October 18, 2023.**

c. **Dispositive Motions:** Dispositive motions shall be filed not more than thirty (30) days after the discovery cut-off date and, therefore, not later than **Friday, December 15, 2023.**

d. **Pretrial Order:** The Pretrial Order shall be filed not later than **Monday, January 15, 2024**, as January 14, 2024 is a Sunday, thirty (30) days after the deadline for filing dispositive motions date of January 16, 2023, in accordance with LR 26-1(b)(5). In the event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of the Court.

e. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto, shall be included in the final Pretrial Order in accordance with LR 26-1(b)(6).

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f. Extensions or Modifications of the Discovery Plan and Scheduling Order: In

accordance with LR 26-3, a stipulation or motion for modification or extension of this discovery plan and scheduling order and any deadline contained herein, must be made not later than twenty-one (21) days before the subject deadline.

DATED this 25th day of July, 2023.

DATED this 25th day of July, 2023.

NEVADA ATTORNEY GENERAL'S OFFICE

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DATED this 25th day of July, 2023.

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: July 25, 2023